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Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Art Unit To Be Assigned

Attn: Mail Stop Amendment

Re: U.S. Patent Application No. 10/578,512

(U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012329; I.A. Date: October 10, 2004)

Active Agent Combinations with Insecticidal and Acaricidal

**Properties** Inventors: FUNKE et al.

Our Ref: 2400.0370000/JMC/VLC/CMB

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement Under 37 C.F.R. § 1.97(b);
- 2. Form PTO/SB/08A listing twenty-seven (27) cited documents (2 pages);
- 3. Copies of twenty-six (26) of the twenty-seven (27) cited documents (FP1-FP26);
- 4. Form PTO/SB/08B listing three (3) cited documents;
- 5. Copies of the three (3) cited documents (NPL1-NPL3); and
- 6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents November 28, 2006 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Cynthia M. Bouchez

Attorney for Applicants Registration No. 47,438

JMC/VLC/CMB:krh Enclosures

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Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Funke et al.

Appl. No.: 10/578,512

(U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012329;

I.A. Date: October 10, 2004)

For: Active Agent Combinations with Insecticidal and Acaricidal

**Properties** 

Confirmation No.: To Be assigned

Art Unit:

To Be assigned

Examiner:

To Be assigned

Atty. Docket: 2400.0370000/JMC/VLC/CMB

## Information Disclosure Statement Filing under 37 C.F.R. § 1.97(b)

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents FP1-FP26 and NPL1-NPL3 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, document US1 cited on the attached IDS Form PTO/SB/08A, is not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents FP1, FP4 and FP6-FP26 cited on Form PTO/SB/08A.

Document FP1, EP 0 210 487 A1, is in a foreign language. An English language abstract of document FP1 is attached on Form PTO/SB/08B as document NPL1.

Document FP4, EP 0 528 156 A1, is in a foreign language. An English language abstract of document FP4 is attached on Form PTO/SB/08B as document NPL2.

Document FP6, WO 93/22297, is in a foreign language. An English language abstract of document FP6 can be found on the face page of the patent.

Document FP7, EP 0 647 637 A1, is in a foreign language. An English language abstract of document FP7 is attached on Form PTO/SB/08B as document NPL3.

Document FP8, WO 95/26345, is in a foreign language. An English language abstract of document FP8 can be found on the face page of the patent.

Document FP9, WO 96/20196, is in a foreign language. An English language abstract of document FP9 can be found on the face page of the patent.

Document **FP10**, WO 96/25395, is in a foreign language. An English language abstract of document FP10 can be found on the face page of the patent.

Document FP11, WO 96/35664, is in a foreign language. An English language abstract of document FP11 can be found on the face page of the patent.

Document **FP12**, WO 97/01535, is in a foreign language. An English language abstract of document FP12 can be found on the face page of the patent.

Document FP13, WO 97/02243, is in a foreign language. An English language abstract of document FP13 can be found on the face page of the patent.

Document FP14, WO 97/36868, is in a foreign language. An English language abstract of document FP14 can be found on the face page of the patent.

Document FP15, WO 98/05638, is in a foreign language. An English language abstract of document FP15 can be found on the face page of the patent.

Document FP16, WO 98/25928, is in a foreign language. An English language abstract of document FP16 can be found on the face page of the patent.

Document FP17, WO 99/16748, is in a foreign language. An English language abstract of document FP17 can be found on the face page of the patent.

Document FP18, WO 99/43649, is in a foreign language. An English language abstract of document FP18 can be found on the face page of the patent.

Document FP19, WO 99/48869, is in a foreign language. An English language abstract of document FP19 can be found on the face page of the patent.

Document FP20, WO 99/55673, is in a foreign language. An English language abstract of document FP20 can be found on the face page of the patent.

Document FP21, WO 01/23354 A2, is in a foreign language. An English language abstract of document FP21 can be found on the face page of the patent.

Document FP22, WO 01/24634, is in a foreign language. An English language abstract of document FP22 can be found on the face page of the patent.

Document **FP23**, WO 01/74770 A1, is in a foreign language. An English language abstract of document FP23 can be found on the face page of the patent.

Document FP24, WO 01/76369, is in a foreign language. An English language abstract of document FP24 can be found on the face page of the patent.

Document FP25, WO 02/37963 A1, is in a foreign language. An English language abstract of document FP25 can be found on the face page of the patent.

Document FP26, WO 02/087334 A1, is in a foreign language. An English language abstract of document FP26 can be found on the face page of the patent.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Cynthia M. Bouchez Attorney for Applicants Registration No. 47,438

Date:

1100 New York Avenue, N.W. Washington, D.C. 20005-3934

11/28/06

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Approved for use through 09/30/2006, OMB 0651-0031

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Substitute 2016 iti 1449A/PTO			го	Complete if Known			
				Application Number	10/578,512		
			DISCLOSURE	(U.S. Nat'l Phase of Int'l App October 10, 2004)	p. No. PCT/EP2004/012329; I.A. Date:		
STAT			APPLICANT	First Named Inventor	Christian FUNKE		
	(Use as	many she	ets as necessary)	Art Unit	To Be Assigned		
				Examiner Name	To Be Assigned		
Sheet	1	of	3	Attorney Docket Number	2400.0370000/JMC/CMB		

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			U.S. PATENT DO	OCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2 (If Known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	US1	3,264,177	08-02-1966	Kenaga	
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			REIGN PATENT DO	OCUMENTS	-
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)		••	T <sup>6</sup>
	FP1	EP 0 210 487 A1	02-04-1987	Ciba-Geigy AG	Abs
	FP2	EP 0 234 045 A2	09-02-1987	Nihon Nohyaku Co., Ltd.	
	FP3	EP 0 347 488 B1	12-27-1989	American Cyanamid Company	
	FP4	EP 0 528 156 A1	02-24-1993	Bayer AG	Abs
	FP5	WO 93/10083	05-27-1993	Uniroyal Chemical Company, Inc.	
	FP6	WO 93/22297	11-11-1993	Yahima Chemical Industrial Co., Ltd.	Abs
	FP7	EP 0 647 637 A1	04-12-1995	Bayer AG	Abs
	FP8	WO 95/26345	10-05-1995	Bayer Aktiengesellschaft	Abs
	FP9	WO 96/20196	07-04-1996	Bayer Aktiengesellschaft	Abs

Examiner Signature	Date Considered	
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English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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Substitute for form 1449A/PTO	Complete	if Known
	Application Number	10/578,512
INFORMATION DISCLOSURE	(U.S. Nat'l Phase of Int'l App. October 10, 2004)	No. PCT/EP2004/012329; I.A. Date:
STATEMENT BY APPLICANT	First Named Inventor	Christian FUNKE
(Use as many sheets as necessary)	Art Unit	To Be Assigned
	Examiner Name	To Be Assigned
Sheet 2 of 3	Attorney Docket Number	2400.0370000/JMC/CMB

			U.S. PATENT DOG	CUMENTS		
Examiner Initials	Cite No. <sup>1</sup>		Publication Date	Name of Patentee or	Pages, Columns, Lines,	
Initials	NO.	Number-Kind Code <sup>2 (If Known)</sup>	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	
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			FOREIGN PATENT DO	OCUMENTS	
Examiner Cite	Foreign Patent Document	Publication Date	Name of Patentee or		
Initials*	No.1	Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY	Applicant of Cited Document	T <sup>6</sup>
	FP10	WO 96/25395	08-22-1996	Bayer Aktiengesellschaft	Abs
	FP11	WO 96/35664	11-14-1996	Bayer Aktiengesellschaft	Abs
	FP12	WO 97/01535	01-16-1997	Bayer Aktiengesellschaft	Abs
	FP13	WO 97/02243	01-23-1997	Bayer Aktiengesellschaft	Abs
	FP14	WO 97/36868	10-09-1997	Bayer Aktiengesellschaft	Abs
	FP15	WO 98/05638	02-12-1998	Bayer Aktiengesellschaft	Abs
	FP16	WO 98/25928	06-18-1998	Bayer Aktiengesellschaft	Abs
	FP17	WO 99/16748	04-08-1999	Bayer Aktiengesellschaft	Abs
	FP18	WO 99/43649	09-02-1999	Bayer Aktiengesellschaft	Abs

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Substitute for form 1449A/PTO	Comple	te if Known
	Application Number	10/578,512
INFORMATION DISCLOSE	October 10, 2004)	pp. No. PCT/EP2004/012329; I.A. Date:
STATEMENT BY APPLICA	i not ramed inventor	Christian FUNKE
(Use as many sheets as necessary	Art Unit	To Be Assigned
	Examiner Name	To Be Assigned
Sheet 3 of 3	Attorney Docket Number	2400.0370000/JMC/CMB

			U.S. PATENT DO	CUMENTS		
Examiner Initials*		Document Number	Publication Date MM-DD-YYYY	Name of Patentee or	Pages, Columns, Lines,	
micials	140.	Number-Kind Code <sup>2 (If Known)</sup>	MIMI-DD-1111	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	
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	FOREIGN PATENT DOCUMENTS					
Examiner Cite		Publication Date	Name of Patentee or			
Initials*	No.1	Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY	Applicant of Cited Document	T <sup>6</sup>	
	FP19	WO 99/48869	09-30-1999	Bayer Aktiengesellschaft	Abs	
	FP20	WO 99/55673	11-04-1999	Bayer Aktiengesellschaft	Abs	
	FP21	WO 01/23354 A2	04-05-2001	Bayer Aktiengesellschaft	Abs	
	FP22	WO 01/24634 A1	04-12-2001	Bayer Aktiengesellschaft	Abs	
	FP23	WO 01/74770 A1	10-11-2001	Bayer Aktiengesellschaft	Abs	
	FP24	WO 01/76369 A2	10-18-2001	Bayer Aktiengesellschaft	Abs	
	FP25	WO 02/37963 A1	05-16-2002	Bayer Aktiengesellschaft	Abs	
	FP26	WO 02/087334 A1	11-07-2002	Nihon Nohyaku Co., Ltd.	Abs	

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Examiner	Date
Signature	Considered
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Substitute for form 1449B/PTO				Complete if Known		
				Application Number	10/578,512	
INFORMATION DISCLOSURE				(U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012329; I.A. Date: October 10, 2004)		
			PLICANT	First Named Inventor	Christian FUNKE	
	(Use as man	y sheets a.	s necessary)	Art Unit	To be Assigned	
				Examiner Name	To be Assigned	
Sheet	1	of	1	Attorney Docket Number	2400.0370000/JMC/CMB	

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published  Dialog File 351, Accession No. 3940248, Derwent WPI English language abstract for EP 0 210 487 (listed on accompanying PTO/SB/08A as document FP1)  Dialog File 351, Accession No. 6602040, Derwent WPI English language abstract for EP 0 528 156 (listed on accompanying PTO/SB/08A as document FP4)	T <sup>2</sup>
0 210 487 (listed on accompanying PTO/SB/08A as document FP1)  Dialog File 351, Accession No. 6602040, Derwent WPI English language abstract for EP	
Dialog File 351, Accession No. 7358770, Derwent WPI English language abstract for EP 0 647 637 (listed on accompanying PTO/SB/08A as document FP7)	
	Dialog File 351, Accession No. 7358770, Derwent WPI English language abstract for EP 0 647 637 (listed on accompanying PTO/SB/08A as document FP7)

Examiner	Date	
Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and

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